

**THE WHITE HOUSE OFFICE
REFERRAL**

July 11, 2011

TO: ENVIRONMENTAL PROTECTION AGENCY

ACTION COMMENTS:

ACTION REQUESTED: DIRECT REPLY W/COPY

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1058748

MEDIA: LETTER

DOCUMENT DATE: June 09, 2011

TO: PRESIDENT OBAMA

FROM: THE HONORABLE MIKE JOHANNIS
UNITED STATES SENATE
WASHINGTON, DC 20510

SUBJECT: WRITES AGAIN TO REITERATE HIS STRONG OPPOSITION TO THE PURSUIT OF
REGULATION OF COAL COMBUSTION RESIDUALS (CCRs) AS A HAZARDOUS
WASTE UNDER SUBTITLE C

COMMENTS:

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.

**RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT, ROOM 85, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500
FAX A COPY OF RESPONSE TO: (202) 456-5881**

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND
TRACKING WORKSHEET**



DATE RECEIVED: July 05, 2011

CASE ID: 1058748

NAME OF CORRESPONDENT: THE HONORABLE MIKE JOHANNIS

SUBJECT: WRITES AGAIN TO REITERATE HIS STRONG OPPOSITION TO THE PURSUIT OF REGULATION OF COAL COMBUSTION RESIDUALS (CCRs) AS A HAZARDOUS WASTE UNDER SUBTITLE C

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION	
		CODE	DATE	TYPE RESPONSE	DATE COMPLETED
LEGISLATIVE AFFAIRS	ROB NABORS	ORG	07/05/2011		

ACTION COMMENTS:

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COMMENTS:

MEDIA TYPE: LETTER

USER CODE:

ACTION CODES	DISPOSITION		
A = APPROPRIATE ACTION B = RESEARCH AND REPORT BACK D = DRAFT RESPONSE I = INFO COPY/NO ACT NECESSARY R = DIRECT REPLY W/ COPY ORG = ORIGINATING OFFICE	TYPE RESPONSE		COMPLETED DATE
	INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS	A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY	DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES

REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-456-2590

SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM 85, EEOB.

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June 9, 2011

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

Last June, the Environmental Protection Agency (EPA) proposed a rule to establish federal regulations of coal combustion residuals (CCRs). The rule contemplated two options. One option would regulate CCRs as hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA), while a second option would regulate CCRs under Subtitle D of RCRA. I signed a letter in July last year that expressed substantial concern with the serious consequences of regulating CCRs under Subtitle C. Thirty-four other Senators also signed the letter.

I write today to reiterate my strong opposition to the pursuit of regulation of CCRs as a hazardous waste under Subtitle C. Regulating CCRs would seriously threaten the beneficial use of CCRs. As you may know, CCRs have been widely used in highway and building construction, for example. If EPA declares CCRs to be a hazardous material, beneficial use practices will cease, and current users and suppliers could be exposed to significant liability. Of course the electricity providers, and in my state - the ratepayers that bear the burden of virtually all cost increases incurred by the providers - would bear much of the burden caused by the designation. Consumers in states that substantially rely on coal - like Nebraska - would be disproportionately affected.

Although the applicable comment period closed in November, 2010, EPA has not affirmatively indicated that it will not regulate CCRs under Subtitle C. I am advised that this uncertainty has hurt the market for beneficial use of CCRs, impeded infrastructure financing, and is therefore currently causing significant economic damage in the United States. It is also my understanding that other regulatory approaches, including a Subtitle D approach by EPA, or more stringent regulations at the state level, could be far less onerous.

Thank you for your careful consideration of this important matter.

Sincerely,



Mike Johanns
United States Senator

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